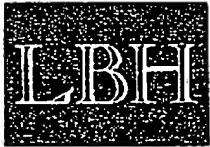


NOV 02 2007

LEVINE  
BAGADE  
HAN LLP

2007 NOV -9 PH 5:45

1814  
2483 East Bayshore Road  
Suite 100  
Palo Alto, CA 94303  
Main: 650.242.4210  
Fax: 650.204.2100  
www.LBHIP.com

November 2, 2007

PRIVILEGED AND CONFIDENTIAL

Mail Stop 16  
Director of the USPTO  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: Refund of Patent Fee Overpayment

Dear Sir or Madam,

It has come to our attention that Levine Bagade Han LLP is due credit in the amount of \$780.00. Below is an explanation of the credit.

U.S. Application No. 09/095,323  
Our Docket No. ASIXNA00100  
Fee paid via American Express: \$1560  
Date Charged: October 31, 2007  
Amount due to be credited: \$780

It is believed the error in fee amount is due to an over payment for twelve statutory disclaimers (terminal disclaimers) fee code 2814 for a small entity pursuant to §37 CFR 1.20(d) filed via EFS-Web on October 31, 2007. The FY 2008 Fee Schedule effective September 30, 2007 clearly indicates the following fees for a statutory disclaimer:

Fee Code	37 CFR	Description	Fee	Small Entity Fee (if applicable)
<b>Post Issuance Fees</b>				
1814/2814	1.20(d)	Statutory disclaimer	130.00	65.00

EFIS-Web would not allow payment of a small entity fee for statutory disclaimer.

Accordingly, please credit the overpayment of \$780.00 to American Express credit card number 3715 370443 81012, as this was the original method of payment.

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LEVINE BAGADE HAN LLP

November 2, 2007  
Page 2 of 2

Application No.: 10/810,276

Support for this credit can be found in the attached documents, which include:

1. Electronic Acknowledgement Receipt for 09/095,323 indicating the fee for twelve statutory disclaimers (\$1560) was submitted upon filing via EFS
2. Electronic Patent Application Fee Transmittal for 09/095,323 indicating the fee code 1814 in the amount of \$1560 (12 x \$130) was paid upon filing even though a small entity was designated.

I thank you in advance for your attention in this matter. Please feel free to contact me with any questions or comments regarding this refund request.

Sincerely,




Sanjay S. Bagade  
Registration No. 42,280

Enclosures

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 <b>LEVINE BAGADE HAN LLP</b> www.LBHIP.com		2483 East Bayshore Road Suite 700 Palo Alto, CA 94303 Tel: 650.242.4212 Fax: 650.284.2180 Customer No. 40518	
<b>FAX</b>			
To:	Commissioner for Patents	From:	Sanjay S. Bagade Reg. No. 42,280
Fax:	(571) 273-8300	Pages:	4 (including cover page)
Phone:		Date:	November 2, 2007
<b>Comments: REFUND OF PATENT FEE OVERPAYMENT ✓</b>  Application No.: 09/095,323 Confirmation No.: 9521 Filing Date: June 10, 1998 Title: METHODS AND APPARATUS FOR TREATING SMOOTH MUSCLES IN THE WALLS OF BODY CONDUITS Inventor(s): Michael D. LAUFER Examiner: David M. Shay Group Art Unit: 3735 Attorney Docket No.: ASTXNA00100  Papers attached: 1. Transmittal Sheet - 1 page 2. Letter re Request for Refund of Patent Fee Overpayment - 2 pages			

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From: David Levine


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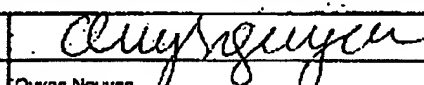
PTO/5B/21 (10-07)

Approved for use through 10/31/2007, OMB 0551-0031  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person may be required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b> <small>(To be used for all correspondence other than initial filing)</small>	Application Number	08095,323
	Filing Date	June 10, 1990
	First Named Inventor	Michael D. LAUFER
	Art Unit	3735
	Examiner Name	David M. Shay
	Attorney Check Number	ASTXNA00100
Total Number of Pages in This Submission	3	

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Declaration(s)	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input checked="" type="checkbox"/> Request for Refund	
	<input type="checkbox"/> CD, Number of CD(s) _____	
	<input type="checkbox"/> Landscape Table on CD	
Remarks		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	Levine Bagaria Han LLP	
Signature		
Printed name	Ganjy O. Bagaria	
Date	November 2, 2007	Reg. No. 42,280

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:		
Signature		
Typed or printed name	Ouyen Nguyen	Date November 2, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-0199 and select option 2.

# Electronic Patent Application Fee Transmittal

Application Number:

09095323

Filing Date:

10-Jun-1998

12/03/2007 SDIRETA1 00000001 09095323

01 FC:2814

780.00 0P

Title of Invention:

Refund Ref:

12/03/2007

0030047693

METHOD AND APPARATUS FOR TREATING SMOOTH MUSCLES IN THE WALLS OF BODY CONDUITS

Credit Card Refund Total:

\$780.00

Am Exp.: XXXXXXXXXXXX1012

First Named Inventor/Applicant Name:

MICHAEL D. LAUFER

Filer:

Sanjay S. Bagade/Quyen Nguyen

Attorney Docket Number:

ASTXNA00100

Filed as Small Entity

## Utility Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Statutory disclaimer	1814	12	130	1560

Extension-of-Time:

Adjustment date: 12/03/2007 SDIRETA1 00000001 09095323  
11/01/2007 INTERFSA 00005134 -1560.00 0P  
01 FC:1814

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension - 1 month with \$0 paid	2251	1	60	60
<b>Miscellaneous:</b>				
Request for continued examination	2801	1	405	405
<b>Total in USD (\$)</b>				<b>2025</b>